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Letter dated 16 February 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 16 December 2004 (S/2004/1011). The Counter-Terrorism Committee has received the attached fifth report from Denmark submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 15 February 2005 from the Permanent Representative of Denmark to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In reply to your letter of 15 November 2004 requesting further information about Danish implementation of Security Council resolution 1373 (2001), I take pleasure in forwarding the enclosed report (see enclosure).

(*Signed*) Ellen Margrethe **Løj**
Ambassador
Permanent Representative of Denmark to the United Nations

Enclosure*

Denmark

Fifth report submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Introduction

On 27 December 2001, 8 July 2002, 14 February 2003 and 12 February 2004 Denmark submitted reports pursuant to paragraph 6 of Security Council resolution 1337 (2001) to the Committee established by the Security Council – the Counter Terrorism Committee (CTC). In a letter dated 15 November 2004, the CTC has posed a number of further questions to the Danish Government regarding Denmark's fulfilment of UN Security Council Resolution 1373 (2001).

Question 1

The CTC should appreciate it if Denmark would provide it with information concerning any further action taken by Denmark to strengthen its counter-terrorism capacity and modalities for cooperation with other States to combat terrorism.

The changed international security situation following 11 September 2001 has meant that the Danish Security Intelligence Service (PET) – as a supplement to its traditional investigational activities – has introduced new initiatives within the field of counter-terrorism.

PET has an overall two-legged strategy for the fight against and prevention of terrorism on Danish soil:

- A further strengthening of PET's investigations – the operational and surveillance related activities.
- A further strengthening of PET's external co-ordinating role – to strengthen the overall resistance of society.

Endeavours have been made to plan the operational activities in an effective and pro-active manner. Essentially, PET has access to the same investigative means and methods as the rest of the police: register checks, enquiries with other authorities and the various forms of interception

* Annexes are on file with the Secretariat and are available for consultation.

mentioned in the criminal procedure regulations of the Danish Administration of Justice Act, e.g. telephone interception, bugging and secret searches. In addition PET has a wider access to the use of civilian agents (sources) than the rest of the police, and co-operates with foreign security and intelligence services.

It takes wide-ranging and co-ordinated efforts from a wide range of authorities to protect Denmark against possible terrorist attacks on an effective and long-term basis. Co-operation fora have therefore been established between a number of public authorities and private actors in order to increase the overall resistance of society in a general and efficient manner.

Several authorities, engaged in different aspects of the overall counter terrorism efforts, meet within the so-called Counter-terrorism Contact Group. Apart from a targeted effort to prevent terrorism, the purpose of this group is also to guarantee a well-founded basis for PET's risk assessments and the communication of these assessments. Furthermore, similar groups have been established both within the private sector (consisting of the relevant business associations) and within the IT area.

In the aftermath of the terrorist attacks in Madrid on 11 March 2004 additional resources were allocated to PET in order to guarantee a continued implementation and further development of the strengthened efforts against terrorism. Following the additional resources PET has experienced an increase in the number of employees, including university graduates who specialise in, among other things, security political analysis and Middle East studies. The purpose has been to strengthen the qualitative basis of the operational efforts and to be able to provide high quality operational and strategic analyses. Thus, the counter-terrorism section has been considerably strengthened.

Furthermore, the additional resources will, among other things, be used to obtain a coherent and up-to-date IT platform and a technical upgrading in connection with the handling of surveillance and investigational tasks, e.g. within the IT and telecommunication areas.

In continuation of the abovementioned increase in resources a new organisational structure, which is to support PET's overall strategy, has also been implemented.

The aim of this structural change has been to establish a simpler and more efficient structure which is to guarantee that PET may focus as much as possible on handling the varied demands posed by the complex nature of the existing threat, to support the broad diversity of the staff and to strengthen PET's intersectorial and project-oriented work method.

Furthermore, the structural change has led to the establishment of a new section responsible for various forms of preventive security and vulnerability issues in connection with e.g. critical infrastructure as well as matters concerning emergency management. This section has been

established as a consequence of the increasing importance of this area seen in relation to the prevention of terrorism, and the aim is – through an overall and targeted approach – to strengthen the external and security related co-ordinating profile of PET. The section is, thus, responsible for maritime security, aviation security, physical security, personnel security, IT security, emergency management, threat assessments and a newly established situation centre.

In connection with the structural change focus has also been placed on the strategic analysis and development as well as the strategic communication seen in an international perspective. PET, thus, continuously looks for new international partners in order to keep developing communication with other states to improve the general view of the international security political situation in order to prevent terrorist attacks.

Question 2

The CTC should also appreciate if Denmark would provide the CTC with an update of the process being undertaken, referred to in Denmark's prior reports, to ensure that appropriate legal and administrative measures in the field of counter terrorism are adopted and applied by the Faroe Islands and Greenland.

As it is stated in previous reports, the Ministry of Justice and representatives from the Faroe Home Rule have been discussing how to ensure full and complete compliance with Resolution 1373 (2001) in connection with negotiations concerning the possible transfer of the responsibility for police- and administration of justice affairs to the Faroe Home Rule. However, no conclusions have come out of these discussions up till now.

Terrorist acts are punishable under the Faroese Criminal Code under a variety of different provisions on, *inter alia*, homicide, arson, deprivation of liberty, hijacking, etc., as well as under the general provisions on crimes against the constitution and the supreme authorities of the state. Financing of terrorism may be punished as contribution to the commission of a terrorist act. However, some of the Conventions mentioned in article 3(d) of Resolution 1373 (2001) as well as the resolution itself have not yet been fully implemented.

The implementation of Resolution 1373 (2001) is a matter of high priority. Therefore, and since progress has shown to be slow in the negotiations concerning the possible transfer of the responsibility for police- and administration of justice affairs to the Faroe Home Rule, the Ministry of Justice intends to take further steps to ensure the full implementation of Resolution 1373 (2001) irrespective of the status of these negotiations. The ministry will contact the Faroe Home Rule to that effect.

As for Greenland, the report from the Commission on Greenland's Judicial System came out this summer. The report contains proposals on several aspects of the judicial system in Greenland.

Of relevance to the implementation of Resolution 1373 (2001) is the proposal to take over the Danish Criminal Code provisions on terrorism and financing thereof and other crimes against the constitution and the supreme authorities of the state, including articles 114-114b of the Danish Criminal Code.

Furthermore, it is recommended to insert a provision corresponding to article 77a of the Danish Criminal Code as amended by the Anti-Terrorism Act of June 2002, in order to make it possible to carry out confiscation of money and other property (and not just "objects") feared to be used to commit crimes.

Furthermore, it is proposed to take over the Danish Administration of Justice Act's provisions on seizure (articles 801 to 807d) as amended by the Anti-Terrorism Act of June 2002.

The report has been submitted to the relevant institutions and organisations as well as the Greenland Home Rule for comments. The comments from the Greenland Home Rule are expected in April 2005.

Once the comments from the Greenland Home Rule have been received, the Danish Ministry of Justice will examine the proposed revision of the Special Criminal Code and the Special Administration of Justice Act in order to ensure that all requirements in Resolution 1373 (2001) will be fully implemented. As it appears, implementation of the proposals contained in the report will imply complete implementation of Resolution 1373 (2001) in Greenland in as far as the Criminal Code and the Administration of Justice Act is concerned.

The current Danish Act on Measures to Prevent Money Laundering and Financing of Terrorism (The Act on Money Laundering) is not in force on the Faroe Islands or in Greenland. Only the 1993 version of this Act applies to these territories through a Royal Decree. This means that only the measures to prevent money laundering apply in these territories at the moment.

However, the current Danish Act on Money Laundering is going through a radical revision as a result of the 40 revised FATF recommendations and the proposal for a 3rd EU-Directive on Money Laundering and Terrorist Financing. This new Act is scheduled to enter into force by a Royal Decree on both the Faroe Islands and in Greenland in 2006. Before this revised Act can enter into force in these territories, the Act must be presented to the Faroe and the Greenland Home Rules respectively for adoption/an opinion, depending on the nature of the rules. The revised Act must also be adopted by the Danish Parliament before being submitted to the Faroe and the Greenland Home Rules for adoption.

Currently, there is an ongoing and thorough dialogue with both these territories concerning the implementation of this proposal.

Question 3

The CTC should further appreciate if Denmark would share with it any assessments or evaluations, especially those related to operational measures, in connection with the implementation of the Resolution, that are carried out by any international or regional institution or organisation.

The Council of the European Union on 28 November 2002 decided to introduce a peer evaluation system of the national measures used in the fight against terrorism. The first evaluation of Denmark within the area of "Law Enforcement/Intelligence Co-ordination" was carried out in November 2003.

Question 4

The CTC takes note of Denmark's offer of assistance and provision of assistance to help other States to implement Resolution 1373. Denmark's offer of assistance is posted on the CTC's Directory of Assistance (www.un.org/sc/ctc), which is frequently updated to include new relevant information on available assistance. The CTC would appreciate receiving any available updates to the information that Denmark has already provided.

Denmark is of the opinion that development cooperation plays an important role in combating terrorism and implementing the Resolution. In February 2004 the Danish Ministry of Foreign Affairs presented "Principles Governing Danish Development Assistance for the Fight against the New Terrorism" which sets out the guiding principles governing the Danish development assistance in this area. With this program, Denmark has earmarked DKK 145 million for new counter-terrorism efforts in the period 2004-2006, including DKK 30 million to assisting selected developing countries in connection with the implementation of the obligations spelled out in Security Council Resolution 1373 and to strengthening the work of the CTC. Denmark regularly informs the CTC of assistance it is currently providing to help other States to implement the Resolution. Denmark will also provide updates to its offer of assistance posted on the CTC's Directory of Assistance.